



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL CASE NO.42 OF 2011

REPUBLIC.....PROSECUTOR

VERSUS

1. WINROSE NJERI KAMAU.....1<sup>ST</sup> ACCUSED
2. FRANCIS NG'ANG'A MUGANE..... 2<sup>ND</sup> ACCUSED

RULING

**Winrose Njeri Kamau** and **Francis Nganga Mugane** are charged with the murder of one **Muriuki Gicheru Njari**. It is alleged that they committed the offence on 27<sup>th</sup> and 28<sup>th</sup> April 2011 at unknown time in Gituamba village, Ruai Location, Njiru within Nairobi County. The prosecution has presented a total of eleven witnesses who testified that the 1<sup>st</sup> accused was the wife of the deceased and that prior to the incident the deceased had reported threats on his life by the 1<sup>st</sup> accused.

PW5 testified that he was living with the 1<sup>st</sup> accused as man and wife not knowing that the 1<sup>st</sup> accused was married to someone else. That on the material day the 1<sup>st</sup> accused came home late and had bloodstains on her feet. He later learnt that she had been arrested for murder. PW1 testified that on the morning following the incident, she conducted a body search on the 1<sup>st</sup> accused who had been arrested as a suspect and found that her brassiere had bloodstains.

PW6 testified that he led in the arrest of the 2<sup>nd</sup> accused after the 1<sup>st</sup> accused mentioned his name and informed the members of the local community policing that she had hired him along with one other suspect to kill the deceased.

PW10 (the scenes of crime officer) recounted how he visited the deceased's home and recovered several bloodstained items; that they pulled a sack from under the bed and found bloodstained clothing, a bloodstained sofa set cushion and what looked like brain matter. He took photographs of the body which was bloodied and had deep cut wounds. These exhibits were produced in court by PW11, the investigation officer.

From my analysis of the prosecution evidence on record, and submissions filed by both parties, I have come to the finding that the prosecution has established a *prima facie* case against both accused persons. Each accused has a case to answer and is accordingly placed on his/her defence.

Orders accordingly.

**Ruling delivered, dated and signed at Nairobi this 27th day of November, 2014**

**R. LAGAT - KORIR**

JUDGE

In the presence of:

.....: Court clerk

.....: Accused

.....: For the accused

.....: For the state